



Senate

General Assembly

File No. 274

February Session, 2008

Substitute Senate Bill No. 489

Senate, March 31, 2008

The Committee on Labor and Public Employees reported through SEN. PRAGUE of the 19th Dist., Chairperson of the Committee on the part of the Senate, that the substitute bill ought to pass.

AN ACT CONCERNING THE RIGHT TO ORGANIZE FOR ALL EMPLOYEES.

Be it enacted by the Senate and House of Representatives in General Assembly convened:

1 Section 1. (NEW) (*Effective October 1, 2008*) (a) Employees of all
2 employers employing three or more employees performing work
3 within the state of Connecticut who are not accorded the right to form,
4 join or assist labor organizations, to bargain collectively through
5 representatives of their own choosing and to engage in other concerted
6 activities for the purpose of collective bargaining or other mutual aid
7 or protection under any federal or state law, shall be provided all such
8 rights and protection provided by the provisions of chapter 561 of the
9 general statutes, and shall also have the right to refrain from any and
10 all such activities except to the extent such right may be affected by an
11 agreement requiring membership in a labor organization as a
12 condition of employment.

13 (b) Subsection (a) of this section, shall not apply to state employees

14 who are commissioners, deputy commissioners, confidential
 15 employees or bureau heads and to state elected officials. For purposes
 16 of this section, "bureau head" means an individual who heads a major
 17 division of a state agency and reports to the head or deputy head of
 18 such agency, provided: (1) The number of bureau heads of any state
 19 agency shall not exceed the greater of (A) one, or (B) one-half of one
 20 per cent of the total number of permanent full-time employees of the
 21 employer, rounded to the next lowest whole number; (2) the number
 22 of bureau heads in the state executive branch shall not exceed one-half
 23 of one per cent of the total number of permanent full-time employees
 24 in the branch, rounded to the next lowest whole number, and the
 25 number of bureau heads in the state judicial branch shall not exceed
 26 one-half of one per cent of the total number of permanent full-time
 27 employees in the branch, rounded to the next lowest whole number;
 28 and (3) if a state agency has more major divisions than the number of
 29 bureau heads permitted to an employer by this subsection, the major
 30 divisions shall be ranked by the number of permanent full-time
 31 employees in each, and any individual heading a major division with a
 32 smaller number of permanent full-time employees shall be excluded
 33 from being classified as a bureau head before any individual heading a
 34 major division with a larger number of full-time employees.

35 (c) The provisions of this section shall not apply to employees
 36 whose collective bargaining rights are provided in (1) the federal Labor
 37 Relations Act, (2) sections 7-467 to 7-478f, inclusive, of the general
 38 statutes or the 2008 supplement to the general statutes, and (3) sections
 39 10-153a to 10-153r, inclusive, of the general statutes or the 2008
 40 supplement to the general statutes.

This act shall take effect as follows and shall amend the following sections:		
Section 1	October 1, 2008	New section

LAB *Joint Favorable Subst.*

The following fiscal impact statement and bill analysis are prepared for the benefit of members of the General Assembly, solely for the purpose of information, summarization, and explanation, and do not represent the intent of the General Assembly or either chamber thereof for any purpose:

OFA Fiscal Note**State Impact:**

Agency Affected	Fund-Effect	FY 09 \$	FY 10 \$
Various State Agencies	GF - Cost	Indeterminate	Indeterminate

Note: GF=General Fund

Municipal Impact:

Municipalities	Effect	FY 09 \$	FY 10 \$
Various Municipalities	Cost	Indeterminate	Indeterminate

Explanation

The bill allows certain state, municipal, and school district employees to bargain collectively. The fiscal impact to the state and municipalities is indeterminate as any costs associated with this bill would depend on the outcome of collective bargaining negotiations.

OLR Bill Analysis**sSB 489*****AN ACT CONCERNING THE RIGHT TO ORGANIZE FOR ALL EMPLOYEES.*****SUMMARY:**

This bill provides collective bargaining rights to the following if they work for an employer with three or more employees:

1. private sector employees not covered by the National Labor Relations Act (NLRA) (such as agricultural workers and all supervisors);
2. state employees, including managers and Legislative Branch employees, who cannot collectively bargain under present law; and
3. municipal and school district employees who do not currently have the right to collectively bargain (elected officials, some department heads, and school district superintendents and assistant superintendents, among others).

EFFECTIVE DATE: October 1, 2008

RIGHT TO COLLECTIVELY BARGAIN

Under the bill, employees of employers with three or more employees who are not given the right to collectively bargain under current state and federal law are provided the rights and protections provided to employees covered by the state Labor Relations Act (CGS Chapter 561). These include the right to:

1. join or assist in a labor organization (union),
2. bargain collectively through representatives of their own

choosing, and

3. engage in other concerted activities for the purpose of collective bargaining or other mutual aid or protection.

Affected employees also have the right to refrain from any union or collective bargaining activities, except to the extent such right may be affected by an agreement (contract) requiring membership in a union as a condition of employment.

STATE EMPLOYEES

Under current law, and the bill the following state employees are exempt from collective bargaining:

1. commissioners and deputy commissioners,
2. confidential employees, and
3. state elected officials.

The bill permits state managers, who are currently exempt from collective bargaining, to unionize. But it provides a mechanism where some managers would be considered bureau heads and thus excluded from collective bargaining.

It defines a “bureau head” as anyone who heads a major division of the state and reports to the head or deputy head of the state entity (i.e., state agency, commission, or institution, and any board of trustees of a state-owned or -supported university). The bill establishes mechanisms to limit how many managerial employees can be reclassified as bureau heads.

The bill requires the State Board of Labor Relations to determine that a collective bargaining unit is inappropriate if it includes both managerial and nonmanagerial employees.

Protections Against Reclassification

The bill allows an agency to have (1) one bureau head or (2) bureau

heads numbering up to 0.5% of its permanent, full-time employees, whichever is greater. This means an agency with 200 or fewer permanent, full-time employees can have, at most, one bureau head.

It bars the Executive and Judicial branches from having a total number of bureau heads that exceeds 0.5% of each branch's permanent, full-time employees. It does not include a similar limitation for the Legislative Branch.

Under the bill, if the number of an agency's major divisions exceeds the number of bureau heads allowed, a major division head who has a greater number of permanent, full-time employees must be designated a bureau head before one who has fewer employees.

Scope of "Bureau Head"

Under the bill, "bureau head" means any individual who heads a major division of an employer and reports to the head or deputy head of such employer. Under the state employee collective bargaining law, an employer is the state, its executive and judicial branches, including, without limitation, any board, department, commission, institution, or agency of those branches or any board of trustees of a state-owned or -supported college or university, public and quasi-public state corporations, and state-established authorities.

Legislative Branch & Labor Boards

Under current law, employees of the Legislative Branch, the State Board of Labor Relations, and the State Board of Mediation and Arbitration are not covered under the state collective bargaining law (CGS §§ 5-270). The bill provides them with collective bargaining rights.

PRIVATE SECTOR EMPLOYEES

The largest groups of private sector employees who are not covered by the NLRA and therefore would be covered by the bill are supervisors and agricultural workers, provided they are employed by a farmer with at least three employees. Under current law, supervisors with the authority to hire and fire and make other management

decisions are not permitted to collectively bargain, but line supervisors, without such authority, can.

The NLRA does not cover railroad or airlines workers, who are covered under the National Railway Labor Act and thus are not affected by the bill. The NLRA does not cover independent contractors, nor are they covered under the bill.

EMPLOYEES COVERED BY OTHER STATE COLLECTIVE BARGAINING LAWS

The bill specifies it does not apply to employees whose collective bargaining rights are provided in:

1. the Municipal Employees Relations Act (CGS §§ 7-467 to 7-478f) and
2. the Teachers Negotiation Act (CGS §§ 10-153a to 10-153r).

The bill covers the relatively small number of employees who are not covered by these laws. For the municipal law, it means the bill gives bargaining rights to elected paid officials, administrative officials, board and commission members (if paid), and the heads of large departments. For the teachers law, the bill gives bargaining rights to school superintendents, assistant superintendents, certified professionals who act for the school board in negotiations with teachers and other certified staff or who handle personnel or budget preparation for the school board.

BACKGROUND

Related Bill

SB 332, *An Act Concerning Collective Bargaining for State Managers*, as favorable reported out by the Labor Committee, permits collective bargaining for state managers using the same method to determine how many managers could be considered bureau heads for purposes of collective bargaining as provided in this bill.

COMMITTEE ACTION

Labor and Public Employees Committee

Joint Favorable Substitute

Yea 8 Nay 1 (03/13/2008)